

AMEND ZONING BY-LAW - ACCESSORY APARTMENTS  
SECTION II DEFINITIONS, SECTION IV.B APPLICATION, AND SECTION X.G  
ADMINISTRATIVE OFFICIAL - SPECIAL PERMIT

ARTICLE 8 To see if the Town will vote to amend Zoning By-law, Sections II, IV.B and X.G relating to Accessory Apartments by making the changes as described below and to act fully thereon:

*Explanation: These amendments expand opportunities for creating accessory apartments by allowing detached units and increasing the size of accessory apartments to 900 square feet with two bedrooms.*

II. Definitions:

Accessory Building – Residential: A detached structure located on the same lot with the principal residential structure to which it is accessory. Such structures include, but are not limited to, tool shed, boathouse, playhouse, shelter for domestic pets, private swimming pool and one private garage for not more than three automobiles. A residential accessory building may contain bedrooms but not a kitchen.

Dwelling, One Family with Accessory Apartment: An owner-occupied residential dwelling containing a principal dwelling unit and one (1) additional dwelling unit, either attached or detached which has a net floor area not exceeding ½ of the net floor area of the principal dwelling unit but in no event more than 900 square feet and includes not more than two (2) bedrooms, a kitchen, living room and bath which are separate from and not used in common with the principal dwelling. For the purpose of this definition, such dwelling shall be deemed to be owner-occupied if either dwelling unit is occupied by the property owner of record on a year-round basis, except for bona fide temporary absence during which the owner's unit is not rented.

IV.B Application (second paragraph):

Existing lots lawfully laid out by plan or deed which complied at the time of layout with applicable provisions of Zoning By-laws, if any, and which had as of January 1, 1984, a single family dwelling constructed thereon may by alteration or addition to said existing dwelling be converted to a One (1) Family Dwelling with Accessory Apartment as herein defined provided:

1. The lot area equals twenty thousand (20,000) square feet if situated in an R-R, R-L or R-M district, fifteen thousand (15,000) square feet if situated in an R-H-1, C-V, C-H-1 or M-R-L district. Substandard lots in other zoning districts cannot be built upon or converted to this use without a variance.
2. The lot has frontage of at least one hundred (100) feet.
3. If an addition is to be built in connection with development of said use, the addition will be set back from front, side and rear lot lines the distance then required in the zoning district for new construction.

X.G Special Permit (seventh section):

7. Special permits for dwellings with an accessory apartment, either attached or detached, and shared housing for elderly may be granted upon determination by the Planning Board that the following additional criteria have been met:
  - a. For attached units, the dwelling shall be so designed as to have the appearance of a single-family dwelling with one (1) entrance. An entrance leading to a foyer with entrances leading to the dwelling units will be acceptable. All other entrances shall be on the side or rear of the dwelling. For detached units, the style of the two structures shall be similar, so as to give the impression that the detached structure is accessory to the primary residence.
  - b. The proposed use shall not create traffic hazards or volume greater than the capacity of the streets affected.
  - c. The proposed addition or detached structure shall not exceed the building or site coverage for the zoning district.
  - d. The proposed use shall not violate any private deed restrictions applicable to the subject locus.
  - e. An applicant for an accessory apartment in the Water Resource (WR) Zoning District shall submit proof of recording of a covenant, enforceable by the Town, which states that the lot containing the dwelling with an accessory apartment shall not be reduced to less than 60,000 square feet by any means, unless the kitchen facilities of the apartment are removed and the property has been returned to a single-family dwelling.
8. The intent of permitting accessory apartments is to: 1) increase the number of small dwelling units available for rent in town, 2) increase the range of choice of housing accommodations, 3) encourage greater diversity of population with particular attention to young adults and senior citizens, and 4) encourage a more economic and energy-efficient use of the town's housing supply while maintaining the appearance and character of the town's single family neighborhoods.
9. Granting of a special permit for a dwelling with an accessory apartment shall be conditioned upon the owner maintaining occupancy of one of the units. Prior to the issuance of the special permit, a certificate in the form of a notarized affidavit to verify that the owner is or shall be in residence in one of the units, shall be submitted to the special permit granting authority and, thereafter, every two (2) years such notarized affidavit shall be submitted to the Building Inspector by January 31. Failure to comply with these provisions or termination of occupancy by the owner shall result in the special permit becoming null and void and within twelve (12) months thereafter one (1) kitchen unit shall be removed and the property returned to a single-family dwelling.

By request of the Planning Board.